

\*E-Filed 12/16/13\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JAMES EDWARDS RICKLEFFS,

No. C 13-2953 RS (PR)

Plaintiff,

**ORDER REOPENING ACTION;**

v.

**ORDER DIRECTING PLAINTIFF TO  
FILE AN AMENDED COMPLAINT**

VELASQUEZ and  
E. JAMES,

Defendants.

The action was dismissed because plaintiff failed to comply with the Court's order to pay the filing fee or file a complete application to proceed *in forma pauperis* ("IFP"). Plaintiff since has perfected his IFP application and moved to reopen the action. (Docket No. 10). The motion is GRANTED. The action is REOPENED, and the Clerk is directed to amend the docket accordingly. The judgment (Docket No. 9) and the order of dismissal (Docket No. 8) are VACATED.

**Plaintiff shall file an amended complaint on or before February 15, 2014.** The amended complaint must include the caption and civil case number used in this order (13-2953 RS (PR)) and the words FIRST AMENDED COMPLAINT on the first page. Because an amended complaint completely replaces the previous complaints, plaintiff must

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1 include in his amended complaint all the claims he wishes to present and all of the defendants  
2 he wishes to sue. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Any claims  
3 not raised in the amended complaint will be deemed waived. Plaintiff may not incorporate  
4 material from the prior complaint by reference. Failure to file an amended complaint in  
5 accordance with this order will result in dismissal of this action with prejudice for failure to  
6 prosecute. *See* Fed. R. Civ. P. 41(b). The Clerk shall terminate Docket No. 10.

7 **IT IS SO ORDERED.**

8 DATED: December 16, 2013

  
RICHARD SEEBORG  
United States District Judge

United States District Court  
For the Northern District of California